

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 16, 2003

D041697 In re Chani M., a Juvenile

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b).
The appeal is DISMISSED.

D041328 In re James M., a Juvenile

The order of December 5, 2002, from the contested six month review hearing is affirmed.
Benke, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D041189 In re Kevin L., a Juvenile

The judgment is affirmed. Mother's appeal is dismissed. Haller, Acting P.J.; We Concur: McIntyre, J.,
McConnell, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 17, 2003

D040390 Byars v. SCME Mortgage Bankers, Inc.

The judgment is affirmed. SCME is awarded costs on appeal. CERTIFIED FOR PUBLICATION.
McConnell, J.; We Concur: Huffman, Acting P.J., Nares, J.

D040546 DeBartolo v. City of San Diego et al.

The judgment is affirmed. Respondents are entitled to costs on appeal. McDonald, J.;
We Concur: Benke, J., Aaron, J.

**D040584 Windham at Carmel Mountain Ranch Association v. Superior Court of San Diego
County/The Presley Companies et al.**

Let a peremptory writ of mandate issue directing the San Diego County Superior Court to vacate its order
of June 7, 2002, sustaining the demurrer of the real party in interest to the breach of implied warranty
cause of action and enter a new order overruling the demurrer. Costs are awarded to the prevailing party.
CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D039718 Shepherd v. The Dominion of Canada General Insurance Company

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D042197 Payumo et al. v. Superior Court of San Diego County/Godenius

The petition is denied.

D041888 In re Pena on Habeas Corpus

The petition is denied.

D941891 In re Jury on Habeas Corpus

The petition is denied.

D042258 Salceda v. Superior Court of San Diego County/People

The petition is denied.

D042066 In re Essence C., a Juvenile

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue
immediately (Cal. Rules of Court, rule 20(c)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 18, 2003

D041441 Harry v. San Diego Unified School District

The appeal is dismissed pursuant to California Rules of Court, rule 17(a).

D040626 People v. Phillips

The order is reversed and the matter is remanded with directions to conduct further proceedings consistent with this opinion. McDonald, J.; We Concur: Benke, Acting P.J., McConnell, J.

D039355 Wilson v. Bally Total Fitness Corporation, Inc., et al.

The order is affirmed. Respondents are entitled to their costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D040216 People v. Rivera

The opinion filed May 20, 2003, is certified for publication.

The attorneys of record are:

Daniel J. Kessler, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, David P. Druliner, Chief Assistant Attorney General,

Gary W. Schons, Assistant Attorney General, Angela M. Borzachillo, Deputy

Attorney General, for Plaintiff and Respondent.

The petition for rehearing is denied.

D041812 In re Saul D., a Juvenile

Appellant Ester D. has failed to file her appellant's opening brief pursuant to this court's letter of 6/6/03.

The appeal is dismissed as to Ester D.

D041636 Baker v. Superior Court of San Diego County/Bennett et al.

The writ petition filed February 18, 2003 is dismissed, the order to show cause issued March 3, 2003 is discharged, the stay previously issued and the calendar date of July 17, 2003 are vacated.

D041088 Carranza v. Hazard Construction Company

The appeal is dismissed.

D038737 Wuerfel v. Lacy et al.

Judgment affirmed. Benke, Acting P.J.; We Concur: McConnell, J., Aaron, J.

D039667 People v. Gaylord

The judgment is affirmed. McConnell, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D040886 In re Kimberly F. et al., Juveniles

The September 18, 2002 orders terminating Carlos's reunification services based on a finding of no substantial probability of return are reversed and the matter is remanded for a redetermination of that issue. The September 28, 2002 orders are otherwise affirmed. Nares, J.;

We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 19, 2003

D040055 People v. Stutzman

The judgment is affirmed. McDonald, J.; We Concur: Benke, J., Aaron, J.

D042057 Debra P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case as to Robert P. is dismissed. Real Party in Interest's response to Debra P.'s Petition for Writ of Mandate is due on or before June 30, 2003.

D039921 Control Committee For Green Valley Estates v. O'Brien et al.

The judgment is affirmed. Aaron, J.; We Concur: McDonald, Acting P.J., McConnell, J.

D040085 Kolodny & Pressman v. Munsey

The appeal is dismissed.

D041931 In re Hernandez on Habeas Corpus

The petition is denied.

D042326 Schaefer v. Superior Court of San Diego County/AMR Corporation

The petition is denied.

D041786 In re Moon on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 20, 2003

D041470 In Daniel M., a Juvenile

The appeal is dismissed. McConnell, J.; We Concur: Benke, Acting P.J., McDonald, J.

D040434 People v. Andrade

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D040968 People v. Mallery

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Huffman, J.

D041538 In re J. Ashley V., a Juvenile

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D042345 People v. Munoz

The appeal is dismissed.

D041937 In re Branch on Habeas Corpus

The petition is denied.

D041917 Clark v. Superior Court of San Diego County/County of San Diego

The petition is denied.

D041932 In re Sambrano on Habeas Corpus

The petition is denied.